

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	Civil Action No. 05-10112 JLT
)	
v.)	
)	
THE COMMONWEALTH OF)	
MASSACHUSETTS, <i>et al.</i>)	
)	
)	
Defendants.)	
_____)	

THE UNITED STATES' CONSOLIDATED LR 56.1 STATEMENT

Pursuant to Local Rule 56.1, as part of its opposition to the Defendants' Cross-Motions for Summary Judgment, Plaintiff the United States of America is directed to file "a concise statement of the material facts of record as to which it is contended that there exists a genuine issue to be tried[.]" The United States submits that there are no such "genuine issues to be tried" and, accordingly, the Court can adjudicate the cross-motions for summary judgment on the present record. Accord Filiatrault v. Comverse Technology, Inc., 275 F.3d 131, 138 (1st Cir. 2001) ("As we have said before, the making of . . . a [cross-]motion [for summary judgment] almost invariably indicates that the moving party was not prejudiced by a lack of discovery.").

DATED this 26th day of July, 2005.

Respectfully Submitted,

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